

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KURT A. BENSHOOF; A.R.W. by and through
his father, KURT A. BENSHOOF,

Plaintiffs,

v.

MARSHALL FERGUSON, J. DOE, BLAIR
RUSS, JESSICA SKELTON, MICHAEL
TRACY, SARAH TURNER, JAMAL
WHITEHEAD,

Defendants.

No. 2:24-cv-00808-JHC

ORDER GRANTING DEFENDANT
MARSHALL FERGUSON'S MOTION
TO DISMISS PURSUANT TO FRCP
12(b)(6)

This matter comes before the Court on Defendant Marshall Ferguson's Motion to Dismiss Pursuant to FRCP 12(b)(6). Dkt. # 44. The Court has considered materials filed in support of the motion, the rest of the file, and the governing law. Being fully advised, for the reasons below, the Court GRANTS the motion.

First, Plaintiffs did not file an opposition to the motion. Notably, Plaintiffs have recently filed documents in connection with other issues. *See, e.g.*, Dkt. # 50. The lack of an opposition may be considered by the Court "as an admission that the motion has merit." LCR 7(b)(2).


But second, apart from the foregoing procedural issue, as argued by Defendant Ferguson, the doctrine of judicial immunity bars the claims at issue—Plaintiffs are suing Defendant Ferguson

1 in connection with *his role as a trial judge in a King County Superior Court matter*. Dkt. # 1;
2 *Schucker v. Rockwood*, 846 F.2d 1202, 1204 (9th Cir. 1988).

3 Finally, the Court declines to grant leave to amend because it is clear that no amendment
4 would allow Plaintiffs to proceed in this matter against Defendant Ferguson.

5 Given the foregoing, the Court GRANTS the motion and DISMISSES all claims against
6 Defendant Ferguson with prejudice.

7 DATED this 15th day of November, 2024.

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10 JOHN H. CHUN
UNITED STATES DISTRICT JUDGE